



1 confinement should be brought in a civil rights complaint. See Badea v. Cox, 931 F.2d  
2 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of  
3 confinement); Crawford v. Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming  
4 dismissal of habeas petition on basis that challenges to terms and conditions of  
5 confinement must be brought in civil rights complaint).

6 Accordingly, the court will dismiss the instant habeas action without prejudice  
7 because petitioner's claims do not challenge the duration or legality of his confinement or  
8 sentence under § 2254. Instead, petitioner alleges that prison officials denied him due  
9 process concerning his prison administrative appeal. Petitioner's claim is more  
10 appropriately addressed in a civil rights complaint pursuant to 42 U.S.C. § 1983.

### 11 CONCLUSION

12 The petition for writ of habeas corpus is DISMISSED without prejudice.  
13 Petitioner may re-file his claims in a new action under a civil rights complaint pursuant to  
14 42 U.S.C. §1983 on the enclosed form. Petitioner shall include any supporting  
15 documentation of his prison appeal with his new complaint as the instant case will be  
16 closed. The court will return petitioner's exhibits to him with this order. The clerk shall  
17 terminate all pending motions (docket nos. 2, 3) as moot and close the file. No filing fee  
18 is due.

19 IT IS SO ORDERED.

20 DATED: 8/27/2007

*Ronald M. Whyte*  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 This is to certify that on 8/28/2007, a copy of this ruling  
2 was mailed to the following:

3 Richard Gary Hall, Jr.  
4 C-07278  
5 Correctional Training Facility - Soledad  
6 P.O. Box 705  
7 Soledad, CA 93960-0705  
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